

REMARKS

Claims 33-45 are pending in the application. Claims 33-37, 42, 44 and 45 are allowed. Claims 38-41 and 43 are rejected. Claims 38 and 43 are amended herein.

Claim Rejection Under 35 USC §112

Claims 38-41 and 43 are finally rejected as failing to comply with the written description requirement. Claim 38 has been amended to specify the step of rotating the holding device such that the fluid is agitated to mix the fluid within the container. This language is identical to the corresponding step in allowed claim 33 and therefore should be acceptable as being supported by the specification.

With respect to dependent claims 41 and 43, as stated by the Examiner in the Office Action, reference to bubbles agitating the fluid (to increase hybridization rate between target molecule and probe sequences) is found in the disclosure of U.S. Pat. No. 5,945,334, incorporated by reference in the present application.(see the portion of the specification quoted in Applicants' previous response). Accordingly, these claims are supported by the written description.

For the above reasons, withdrawal of the rejection and allowance of the claims are respectfully requested.

CONCLUSION

The amendment to the claims places all of the claims in condition for immediate allowance, and therefore this amendment may be entered under 37 CFR 1.116. Entry of this amendment and issuance of a Notice of Allowance at an early date are respectfully requested.

Appl. No. 10/727,877
Amdt. dated May 18, 2006
Reply to Office Action of March 24, 2006

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

/mart c matthews/
Mart C. Matthews
Reg. No. 26,201

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
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60765355 v1